



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on January 30, 2004

NOTICE OF ACTION TAKEN – DOCKETS OST-03-15021 and OST-99-6210

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Request of **Delta Air Lines, Inc.** filed **1/27/04** for:

XX Interim dormancy waiver to preserve Delta's seven U.S.-Argentina frequencies from the March 31, 2004, blanket dormancy waiver expiration date, until Delta's intended December 1, 2004, startup date of Atlanta-Buenos Aires services.

Background

Order 2003-4-18 granted U.S. passenger carriers holding limited international route authority a blanket waiver of the dormancy conditions applicable to their authorities through March 31, 2004. The order also required U.S. carriers to notify the Department in writing no later than February 15, 2004, of the limited-entry rights that they will not be using beginning April 1. Finally, Order 2003-4-18 provided that carriers are free to seek extension of the dormancy waiver beyond March 31, 2004, for specific city-pair limited-entry services where they can demonstrate that circumstances warrant.

Delta filed a Notice of its intent to resume services in the Atlanta-Buenos Aires market, effective December 1, 2004. It included with that Notice a request for an interim waiver for its U.S.-Argentina frequencies beyond the March 31 date through December 1, 2004. Delta states that, absent a waiver, its frequencies will expire March 31, 2004. Delta states that it is ready to resume sales and marketing activities immediately and that it will poll carriers regarding its notice and its request.

On January 29, Delta informed the Department that it had polled the carriers served with its Notice and Request and had received no objections.

Applicant rep: **Robert E. Cohn, 202-663-8060** DOT analyst: **Linda Senese, 202-366-2367**

DISPOSITION

XX **Granted** (see Remarks below)

The above action was effective when taken **January 30, 2004**, through **December 1, 2004**¹

¹ Delta's waiver from the dormancy condition is effective through December 1 2004, or until the date on which Delta begins service with each of these frequencies, whichever occurs earlier. As to any frequency with which Delta does not begin service by December 1, 2004, its frequency allocation with respect to that frequency expires automatically.

XX Action taken by: Paul L. Gretch, Director
Office of International Aviation

Remarks: We find that grant of Delta's request, in the particular circumstances presented, is in the public interest. However, we are putting Delta on notice that there should be no expectation that an additional request will necessarily be granted. Any future request to extend the dormancy waiver for the frequencies at issue here will have to be considered in light of any specific arguments offered and responses thereto, and in the context of the circumstances present at that time, including whether another carrier seeks to use the frequencies at issue.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; and (2) grant of the authority was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the action taken in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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